

Thomas Jefferson, October 27, 1807, Annual Message, First Draft, from The Works of Thomas Jefferson in Twelve Volumes. Federal Edition. Collected and Edited by Paul Leicester Ford.

SEVENTH ANNUAL MESSAGE¹

¹ The following papers relate to the drafting of this message:

“ Dear Sir,—I have kept your message longer than usual, because my objections being less to details than to its general spirit, I was at a loss what alterations to submit to your consideration.

“Instead of being written in the style of the Proclamation, which has been almost universally approved at home & abroad, the message appears to me to be rather in the shape of a manifesto issued against Great Britain on the eve of a war, than such as the existing undecided state of affairs seems to require. It may either be construed into a belief that justice will be denied; a result not to be anticipated in an official communication; or it may be distorted into an eagerness of seeing matters brought to an issue by an appeal to arms. Although it be almost certain that the expected answer will decide the question, yet unforeseen circumstances may protract its discussion. The British government may, without acceding precisely to your ultimatum, take some new admissible ground, which will require your sanction & delay the final arrangement. So long as any hope, however weak, remains of an honorable settlement, it is desirable that no act of the Executive may, by widening the breach or unnecessarily hurting the pride of Great Britain, have a tendency to defeat it. Unless therefore some useful & important object can be obtained by the message in its present form, I would wish its general colour & expression to be so softened; nothing inserted but what is necessary for assisting Congress in their first

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deliberations & to account for their early meeting; no recapitulation of former outrages further than as connected with the unratified treaty; no expression of a belief that war is highly probable: which last seems either to presuppose absolute injustice on the part of Great Britain, or to acknowledge high pretensions on ours. For unless some important object be in view, those may do harm & cannot be productive of any substantial benefit.

“If the object be to urge Congress to make the necessary preparations for war, this may be attained by a direct and strong recommendation founded not on the probability but on the uncertainty of the issue. If it be to incite them to a speedy declaration of war, this also seems premature, & may as effectually be done at its proper time when the answer of the British Government will be communicated. It may be added that recommendations or incitements to war should not, under our Constitution, be given by the Executive, without much caution; and, above all, that the precise manner & time of acting, which Congress should adopt are subjects which have not yet been sufficiently examined.

“That the choice of the manner will not probably be left to us is true: that Great Britain will prefer actual war to any system of retaliation short of war which we might select, I do believe. Yet, how far it may be proper to leave the choice to her, deserves at least consideration. Public opinion abroad is to us highly valuable. At home it is indispensable. We will be universally justified in the eyes of the world, & unanimously supported by the nation, if the ground of war be England's refusal to disavow or to make satisfaction for the outrage on the Chesapeake. But I am confident that we will meet with a most formidable opposition should England do justice on that point, and we should still declare war because she refuses to make the proposed arrangement respecting seamen. It is, in that case that measures short of war may become proper, leaving to England, if she chooses the odium of commencing an actual war. But although that policy may be questionable, and decisive measures even under that contingency be thought preferable, the question of time requires most serious consideration.

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“Under an impression that this month would decide the question of war or peace, it was thought prudent to contemplate (rather than to prepare) immediate offensive operations. To strike a blow the moment war is begun is doubtless important; but it does not follow that war ought to be commenced at this very moment. So far as relates to Canada, it may as easily and, considering the state of our preparations, I might say, ‘more easily,’ be invaded & conquered in winter or even early in the spring than this autumn. European reinforcements cannot in the spring reach Montreal, much less Upper Canada, before both shall have been occupied by us. Quebec will certainly be reinforced before the season shall permit regular approaches. No advantage, therefore, will result in that respect from an immediate attack; no inconvenience from the declaration of war being somewhat delayed. In every other respect, it is our interest that actual war should not be commenced by England this autumn; and as for the same reason it is her interest to commence it, if she thinks it ultimately unavoidable, I wish not only that we may not declare it instantaneously, but that her Government and her affairs in America may, until the decision takes place still consider the result as uncertain.

“The operations of war, on the part of Great Britain, will consist in the capture of our vessels, attacks on our most exposed seaports & defence of Canada. On our part, unable either to protect our commerce or to meet their fleets, our offensive operations must by sea be confined to privateers; and we must, as far as practicable, draw in those vessels we cannot defend, place our ports in a situation to repel mere naval aggressions, organize our militia for occasional defence, raise troops & volunteers for permanent garrisons or attack.

“Those essential preparations are in some points hardly commenced, in every respect incomplete. Our China & East India trade, to an immense amount yet out: no men raised, (indeed nothing more was practicable) beyond a draft of militia: whatever relates to its better selection organization or to the raising of regulars or volunteers wanting the authorization of Congress & requiring time for executing: the batteries contemplated

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at New York not yet commenced, not even a temporary rampart in any part of the city, and hardly a gun mounted on Governor's Island: how far the works of the two other seaports mentioned in the message as particularly exposed have progressed, I do not know: further appropriations stated to be necessary for the intended batteries at every other harbor. It seems essentially necessary that we should, if permitted, provide such rational & practicable means of defence as we think may be effected within a short time, before we precipitate the war. Is it not probable that England will, if she presumes that her answer may lead to a war, immediately dispatch a few ships with contingent orders? And, if Congress were to declare war in November, what would prevent their naval force here, even if not reinforced, to lay New York under contribution before winter? Great would be the disgrace attaching to such a disaster; the Executive would be particularly liable to censure for having urged immediate war, whilst so unprepared against attack; nor need I say that, as a prosperous administration is almost invulnerable, so, adverse events will invariably destroy its popularity. Let it be added that, independent of immense loss to individuals three millions at least of next year's revenue rest on bonds due by the merchants of that city.

"In every view of the subject, I feel strongly impressed with the propriety of preparing to the utmost for war & carrying it with vigor if it cannot be honorably avoided; but in the meanwhile of persevering in that caution of language & sanction which may give us some more time, and is best calculated to preserve the remaining chance of peace & most consistent with the general system of your administration. As to any particular alterations in that part of the message; although I do not feel equal to proposing proper substitutes, a sketch is inclosed intended rather to shew those parts which I think most objectionable, than the proper manner of amending them. With great respect & sincere attachment, Your obdt servt

" Albert Gallatin.

"Dated 21 October, 1807."

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Alterations Proposed by Gallatin.

“ *Paragraph.*—Strike out from ‘ *and the moment*’ in 7th line to the word ‘place’ in the last line of the first page & insert in substance ‘the many injuries & depredations under which our commerce and navigation have been affected on the high seas for years past, the successive innovations on those rules of public law established by the reason and usage of nations, all the circumstances which preceded the extraordinary mission to England are already known to you.’

“I will observe on this part of the message that Pierce's murder was in no ways the cause of the extraordinary mission. Mr. Pinkney's nomination took place whilst Congress was in session. Pierce was killed immediately after the adjournment. Nay, King's conduct on that occasion has by some been ascribed to his disappointment at Pinkney being selected instead of himself. The next sentence ending at the word *inadmissible* in 6th line of the 2d page & which gives the history of the negotiation does not seem full enough. I would introduce the idea that the efforts of our ministers were applied to the framing of an arrangement wh. might embrace & settle all the points in dispute and also provide for a commercial intercourse on conditions of some equality. I would also modify the declaration of the inadmissibility of the instrument, by saying that, although it had provided in a manner if not altogether satisfactory yet admissible for some of the points in dispute, it had left one more likely to perpetuate collisions altogether unprovided for, and that in other respects it was inadmissible. Such modification is recommended by a desire not to appear to abandon the arrangement respecting the colonial trade, or that of equalization of duties, and also with a view to the opposition party in England on which it is not our interest to bear too hard, lest they should also unite against us.

“ *Same paragraph.* Instead of the sentences ‘ *on this outrage &c & its character has been &c.*,’ I would prefer saying simply ‘ *on this outrage no commentaries are necessary.*’

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"2d paragraph. I would rather omit altogether this paragraph. The continuation of aggression being the act of the same officers may fairly be considered as part of the same act: Nor do I think a recommendation to exclude ships of war from our ports opportunely introduced at a moment when the question is war or peace. But if the paragraph be preserved, I would omit what relates to demands of additional reparation which more than any other part of the message seems to indicate a determination not to arrange amicably the disputes with Great Britain.

"3d paragraph. I would also rather omit under existing circumstances this paragraph. If preserved, I would strike out from the commencement to *overlooked* in the 4th line of the paragraph & insert '*another new violation of maritime rights of great magnitude has in the meanwhile taken place. The government of that nation &c.*' And at the end of the paragraph I would add that that order was predicated on a supposed construction of Buonaparte's decree wh. had been disavowed & not acted upon by the French government. If that be not inserted here, it should I think be alluded to in the 5th paragraph, & a copy of the decree & explanations be sent, stating that although some expressions in the decree had at first caused alarm, yet as its operation, both by their declarations & practice, was confined to ports within their own jurisdiction, & neither affected maritime rights nor contravened our treaty it could not, tho' in its effects curtailing our commerce, be complained of as hostile.

"It seems to me that the 9th & 10th, and particularly the 11th & 12th paragraphs should immediately follow the 3d or perhaps the 1st. The two last 11 & 12 relate to the measures adopted by the Executive in consequence of the outrage on the *Chesapeake*. That however is only a question of arrangement.

"4th Paragraph. The expressions 'may without further delay be expected to be brought to an issue of some sort' seem to go farther than Mr. Armstrong's communications justify. I would rather say '*and an expectation is entertained that they may soon be brought &c.*'

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"Same paragraph. I would strike out the last words 'during the *short* period now to intervene before an answer *which shall decide our course*' & simply say that 'no new collisions &c. have taken place or seem *at present* to be apprehended.'

"9th paragraph. I perceive by Gert. Dearborn's statement that appropriations are wanted not only for other ports, but also to a considerable amount for N. York, Charleston & N. Orleans. The idea should therefore be introduced & I would add something stronger in the shape of recommendations for that object generally.

"11th paragraph. Quere. whether the contracts entered into by the Navy Department do not embrace other objects than those here stated? & also whether a greater expense than was appropriated has not been incurred for men on the Mississippi & elsewhere. At least Mr. Smith states that he has no money to pay off the *Constitution* & he ought to have enough to pay the whole navy to the end of the year.

"12th do. I think that there should be here some additional recommendation generally to provide for the worst in case of unfavorable issue—particularly to hint at the necessity of better organization of militia volunteers &c.

"13th do. I regret that part of what was first intended, particularly as to the effect of late decisions on the trial by jury, has been suppressed. But query how far it may be proper to go whilst Marshall's decision on the pending motion is not known?

"I think the 14th or financial paragraph should precede this."

"October 21, 1807.

"I enclose you the form in which I would wish to place the financial paragraph, with blanks which I must ask you to fill up; also the sequel, which is to conclude the message, for your correction. And I must ask the return of the former part, as it is still to be communicated to Mr. Rodney for his observations, and then will be to be modified and four copies

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made according to the several amendments which will be proposed. The arrival of the *Constitution* and *Wasp* at Boston, where they are awaiting orders, renders it necessary they should be forwarded to-day; and as it is a leading question, if you can call here as soon as you arrive at your office (giving me a few minutes' previous notice), I will ask the attendance of the other gentlemen for a few moments to decide this single question T.J.”

“ Dear Sir,—I return the financial paragraph & conclusion of the message. The blanks I will supply on Monday morning; but as it will be only an approximation, the paragraph should state that all the accounts not being yet received a correct statement will be transmitted by the Treasury; but that in the meanwhile it is ascertained that the receipts have *exceeded* millions, which &c. have enabled us to pay about millions of the principal, omitting altogether mention of interest, unless by introducing after *current demands* the words ‘including the annual interest on the debt.’ 8th line I do not remember whether in previous messages *funded debt* has been the expression. There also after debt, should be introduced *nearly or more than* according to the result wh. I will furnish.

“The remainder of the message is in my opinion unexceptionable: Indeed it is precisely in that spirit which I have taken the liberty to advise. Respectfully your obdt servt Albert Gallatin.

“21 Oct. 1807.”

Cæsar A. Rodney's Notes.

(Indorsed: “Received Oct. 23, 07 Message.”)

“Page 1 line 2. After ‘fellow citizens’ add ‘entirely unexpected & much to be deprecated, threatening a serious change in the enviable state of our country impose the duty of convening you at an earlier period than the day assigned by the Constitution,’ in lieu of the residue of the first sentence.

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"6. After 'not' insert, 'with all our sincere efforts to preserve tranquility.'

"7. Strike out, 'under which' & insert 'committed on,' and also strike out 'have been inflicted on' & insert 'upon.'

"18. After 'consideration' insert, 'expressly and.'

"26. After 'confidence in it' insert, 'But the fact is, it was accompanied with a formal declaration utterly inadmissible.'

"Page 2 line 17. Before 'satisfaction' insert 'suitable & prompt.' Strike out 'assurance' and insert 'adequate security.'

"Page 7. As Burr has been recognized for further trial, I would submit the propriety of leaving out the paragraph 'as a part &c' to 'may be secured.'"

[Oct. 27.]

FIRST ROUGH DRAUGHT

England. Circumstances, f. c. which seriously threaten the peace & prosperity of our country have made it a duty to convene you at an earlier period than usual. That love of peace so much cherished in the bosoms of our citizens which has so long guided the proceedings of their public functionaries councils, and induced forbearance under so many wrongs, has not been sufficient to secure us in the paths of peace; quiet pursuits of industry; and the moment is possibly near at hand seems to be approaching when we shall may owe it to mankind as well as to ourselves to restrain wrong by resistance, and to assist in maintaining among nations the authority of most right by defeating all interests calculated on a violation of them it. defeat those calculations of which interest is the sole principle. You well know that the long train of injuries & depredns under which our commerce & navigation have been afflicted on the high seas for years past; the

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successive innovations on those rules of public law established by the reason & usage of nations to regulate their intercourse, & constituting the sole supplying the office of to be the umpire & guardian of their rights & peace & safety among them. These violations we met with friendly remonstrances only, always indulging the hope that reason would at length prevail over the dictates of mistaken calculations of a mistaken interest, and that voluntary justice redress would spare save us the mutual calamities of war. In this train were our affairs with England when the patience of our citizens was brought to severe proof trial, by the wanton murder of a fellow citizen in the waters of N. Y. following his ordinary occupations in the waters of N. Y. by a shot from a British armed vessel. It became now This added to other occurrences rendering it apparent that unless the points of difference between that nation & ours could be immediately settled by mutual agreement, brought to early settlement, a recurrence to force would be the only alternative certain unavoidable, an extraordinary mission for the purpose therefore took place. After long and earnest efforts by our ministers to obtain conditions of some equality & within the limits of their instructions, pressed reduced on every article to the to the minimum on nearly every article, framed in the truest spirit of amity & moderation, they our ministers at length signed an instrument with a frank avowal however to the British other negociators that they did it against their instructions, and could not authorize an expectation that it would be ratified. pledge their government for it's ratification. It was entirely in truth inadmissible. Still anxious however to relating with that nation placed on a certain & peace able footing even to provide for peace, even

by greater sacrifices of right than could before have been thought necessary new instructions were sent to our ministers to try whether, even on these conditions, an establishment of certain other rights could be obtained which were indispensable, our ministers were authorized to make further efforts for accommodation. On this new reference of our rights to to amicable discussion was made here on the and was presumed existing in full force we were re-posing in confidence when on the 22d day of June last by a solemn formal order from a British admiral the frigate *Chesapeake*, leaving her port for a

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distant service, was attacked by one of those vessels which had been lying in our harbours enjoying under the indulgences of hospitality, was disabled from further proceeding, had several of her crew: killed, two taken out who have been unquestionably proved to have been native citizens of the US. One other born in S. America but domiciled here from his infancy, and a fourth of whom satisfactory information has not yet been received, but who may be admitted to have out at all impairing the unqualified character of this atrocious outrage. and four taken away. On this outrage no temperate commentaries can be made. Nor or can any be necessary. It's character has been pronounced by general acclamation, in which in no instant of our history has the nation declared such unanimity. the indignant voice of our citizens, who with an unanimity and emphasis never exceeded in any period of our history. I immediately by proclamation interdicted our harbors & waters to all British armed vessels, forbade intercourse with them, and uncertain to what lengths how far hostilities were intended to be carried, and the town of Norfolk indeed being threatened with an immediate attack ed a sufficient force was ordered for the protection of that place, and such other preparations immediately commenced and pursued as the prospect rendered proper. An armed vessel of the US. was dispatched with instructions to our ministers at London to call on that govmt for proper satisfaction for the outrage which had been committed and effectual security assurance against the practice which led to it. A very short interval ought now to bring the answer, which shall be communicated to you as soon as it is received. As well as shall also be Then also or as soon after the public interests shall be found to admit, the unratified treaty with the reasons for rejecting it, and proceedings relative to it, shall

be made known to you, under the fullest assurance that there will not be two opinions on the subject.

SECOND DRAUGHT

To the Senate & H. of Representatives of the U. S.

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Circumstances, fellow citizens, which seriously threaten the peace & prosperity of our country, have made it a duty to convene you at an earlier period than usual. That love of peace so much cherished in the bosoms of our citizens, which has so long guided the proceedings of their public councils, and induced forbearance under so many wrongs, has not been sufficient to secure us many not ensure to us a our continuance in the quiet pursuits of industry, and the moment seems approaching when we may owe it to mankind, as well as to ourselves to restrain wrong by resistance, and to defeat those calculations of which is not the sole principles justice is not the basis. You well know the long train of injuries and depredations under which our commerce and navigation have been afflicted on the high seas for years past; the successive innovations on those rules principles of public law which have been established by the reason and usage of nations to regulate as the rule of their intercourse, and be the umpire and guardian of their rights & peace. These violations we have met with friendly remonstrances only, always indulging the hope that reason would at length prevail over the dictates of a mistaken interest, and that voluntary redress would spare us the actual calamities of war. In order to bring our differences to so desirable a termination, a mission extraordinary to that government took place, with instructions framed in the truest spirit of amity and moderation, & with the usual powers for preparing a treaty which might place the relations of the two nations on a friendly & permanent basis. After long & earnest efforts to obtain conditions of some equality, & within the limits of their instructions, our Ministers, finding that could not be done, thought it advisable to sign an instrument, for our consideration with the frank avowal, at the same time, to the other negotiators that they did it against their instructions, & could not pledge their government for it's ratification. It was in truth inadmissible. Still anxious to provide for peace, even by greater sacrifices of right than could before have been thought necessary, our ministers were authorized to make further efforts for accommodation. On this new reference to amicable discussion we were reposing in confidence, when on the 22d day of June last, by a formal order from a British Admiral, the frigate *Chesapeake* leaving her port for a distant service, was attacked by one of these vessels which had been lying in our harbors under the indulgences of hospitality, was disabled from proceeding, had several

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of her crew killed & four taken away. On this outrage no temperate commentaries can be made nor can be are necessary. It's character has been pronounced by the indignant voice of our citizens with an emphasis & unanimity never exceeded. I immediately by Proclamation interdicted our harbors and waters to all British armed vessels, forbade intercourse with them, and uncertain how far hostilities were intended, and the town of Norfolk indeed being threatened with immediate attack, a sufficient force was ordered for the protection of that place, and such other preparations commenced & pursued as the prospect rendered proper. An armed vessel of the US was dispatched with instructions to our ministers at London to call on that government for the satisfaction and security required by the outrage for the outrage committed indemnity an assurance against the practice which had led to it. A very short interval ought now to bring the answer which shall be communicated to you as soon as received. Then also, or as soon after as the public interests shall be found to admit, the unratified treaty, and proceedings relative to it, shall be made known to you.

The aggression thus begun has been continued on the part of the British armed vessels commanders by remaining within our waters in defiance of the authority of the country & by daily habitual violations of it's jurisdiction, and at length by putting to death one of the persons whom they had forcibly taken from on board the *Chesapeake*. These aggravations having taken place since the communications forwarded to our ministers, must of course be a subject of after reckoning with furnished serious demands of additional reparation on that government: and necessarily lead to the policy of either never admitting an armed vessel into our harbors, or of maintaining in every harbor such an armed force as may constrain armed vessels their obedience to the laws & protect the lives and property of our citizens against their armed guests. The expense of such a standing force and it's inconsistency with our principles dispense with all obligations of hospitality which would necessarily induce that call for it, & leave us equally free to exclude the navy as we are the army of a foreign power from commorance within our limits.

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The aggression thus begun has been continued on the part of the British commanders, by remaining within our waters in defiance of the authority of the country, by habitual violations of it's jurisdiction, and at length by putting to death one of the persons whom they had forcibly taken from on board the *Chesapeake*. These aggravations having taken place since the communication forwarded to our ministers, must of course furnish serious demands of additional reparation on that government & necessarily lead to the policy either of never admitting an armed vessel into our harbors, or of maintaining in every harbour such an armed force as may constrain obedience to the laws & protect the lives and property of our citizens against their armed guests. But the expense of such a standing force and it's inconsistence with our principles dispense with those obligations of hospitality which would necessarily call for it, & leave us equally free to exclude the Navy, as we are the Army of a foreign power within from entering our limits.

Until a redress of With these aggressions in view we can scarcely bring our minds to notice any addition to the catalogue new violation of maritime rights, violated towards us by that nation their government however which has been added to the catalogue of former unlawful practices. One however is of such extent as cannot be overlooked. The government of that nation has issued an order interdicting all trade by neutrals, not only from one port to another of the same nation at war with her, but of different nations also at war with her: between ports not in amity with them. And being now at war with every nation on the Atlantic & Mediterranean seas, our vessels are now forbidden to pass from any one port to any other of those seas without first returning home, so that unless their whole cargo must be sold in the first port they touch at or brought back. The object of these successive pretensions cannot be cloacked. It is that there shall be no vessel on the ocean which does not belong to Great Britain, and required to sacrifice their cargo at the first port they touch, or to bring it home return home without the benefit of trying going to any other market. Under this new law of the ocean our trade on the Mediterranean has been swept away by seizures & condemnations, and that in other seas places has been

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more recently attacked also not a little vexed assailed is likely to share threatened with the same fate.

With these aggressions in view, we can scarcely bring our minds to notice any new violations of maritime rights which has been added to former unlawful practices. To former violations of maritime rights another is now added of very serious extent. One however is of such extend as cannot be overlooked. The government of that nation has issued an order interdicting all trade by Neutrals between ports not in amity with them. And being now at war with nearly every nation on the Atlantic & Mediterranean seas, our vessels are required to sacrifice their cargoes at the first port they touch, or to return home without the benefit of going to any other market. Under this new law of the Ocean, our trade on the Mediterranean has been swept away by seizures & condemnations, and that on other seas is threatened with the same fate.

Spain. Our differences with Spain remain still unsettled, no measure having been taken on her part, since my last communications to Congress, to bring them to a close. But the present under a state of things in Europe admitting their being resumed under better expectations, which may favor reconsideration they have been recently pressed, and may be expected without further delay to be brought to an issue of some sort. To our former grounds of complaint has been added a very serious one, as you will see by the decree, a copy of which is now communicated. Proper representations

have been made on the occasion, and I have reason to expect they have not been without effect. No new collisions have taken place with their subjects on our borders, have taken place, or seem to be apprehended during the short period now to intervene before an answer which shall decide our course.

Our differences with Spain remain still unsettled, no measure having been taken on her part, since my last communications to Congress to bring them to a close. But under a state of things, which may favor reconsideration, they have been recently pressed, and may be

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expected without further delay to an expectation is entertained that they may now soon be brought to an issue of some sort. To our former grounds of complaint has been added a very serious one, as you will see by the decree, a copy of which is now communicated. Proper representations have been made on the occasion and I have reason to expect they have not been without effect. No new collisions with their subjects on our borders have taken place, or seem to be apprehended during the short period now to intervene before an answer which shall decide by other circumstances. With their subjects on our borders no new collisions have taken place; nor seem immediately to be apprehended. Whether this decree which professes to be conformable to that of the French government of Nov. 21, 1806, before communicated to Congress, will also be conformed to that in its construction and application in relation to the US. had not been ascertained at the date of our last communications. These however gave reason to expect that it would.

Other nations. With the other nations of Europe our harmony has been uninterrupted, & commerce & friendly intercourse have been maintained on their usual footing.

Barbary. Our peace with the several states on the coast of Barbary appears as firm as, at any former period, and as likely to continue as that of any other nation.

Indians. Among our Indian neighbors in the North Western quarter, some fermentation was observed soon after the late occurrences threatening the continuance of our peace. Messages were said to be interchanged, and tokens to be passing which usually denote a state of restlessness among them, and the character of the agitators pointed to the source of excitement. Measures were immediately taken for providing against that danger; instructions were given to require explanations, and, with assurances of our continued friendship, to admonish the tribes to remain quiet at home, taking no part in quarrels not belonging to them. As far as we are yet informed, the tribes in our vicinity, who are most advanced in the pursuits of industry, are sincerely disposed to adhere to their friendship with us & to their peace with all others; while those more remote & more frequented by

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foreign agents do not shew that present appearances sufficiently quiet aspect which would permit an to justify the intermission of military precaution on our part.

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The great tribes on our South Western quarter, much advanced beyond the others in agriculture & household arts, appear tranquil & identifying with us in their views with ours in proportion to their advancements. With the whole of these people in every quarter I shall continue to inculcate peace & friendship with all their neighbors, & perseverance in those occupations & pursuits which will best promote their own well-being.

The great tribes on our South Western quarter, much advanced beyond the others in agriculture and household arts, appear tranquil and identifying their views with ours, in proportion to their advancements. With the whole of these people, in every quarter, I shall

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continue to inculcate peace and friendship with all their neighbors, & perseverance in those occupations and pursuits which will best promote their own well being.

Fortifications. The appropriations of the last session for defence of our Sea port towns & harbors, were made under the expectation that a continuance of our peace would permit us to proceed in that work according to our convenience. It has been thought better to employ apply ply the sums then given chiefly to the defence of New York, Charleston, & New Orleans, as most open & most likely first to need protection; and to leave places less immediately in danger to the provisions of the present session.

Gunboats. The gunboats too already provided, have on the same a like principle been chiefly assigned to New York, New Orleans & the mouth of the Chesapeake. Whether our moveable force on the water, so material in aid of the defensive works on land, should be augmented in this, or what any other form, is left to your the wisdom of the legislature. For the purpose of manning these vessels in sudden attack of on our harbors, it becomes difficulties too are likely to occur in manning these vessels even for harbor defence it is is a matter therefore for consideration therefore whether the seamen of the US. may not justly be formed into a special militia to be called on for tours of duty in defence of the harbors where they shall happen to be.

The appropriations, of the last session, for the defence of our Seaboard towns & harbors, were made under expectation that a continuance of our peace would permit us to proceed in that work according to our convenience. It has been thought better to apply the sums then given chiefly towards the defence of New York, Charleston, & New Orleans chiefly as most open and most likely first to need protection; and to leave places less immediately in danger to the provisions of the present session.

The gunboats too already provided have, on a like principle, been chiefly assigned to New York, New Orleans & the Chesapeake. Whether our moveable force on the water, so material in aid of the defensive works on the land, should be augmented in this or

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any other form, is left to the wisdom of the legislature. For the purpose of manning these vessels, in sudden attacks on our harbours, it is a matter for consideration whether the seamen of the US. may not justly be formed into a special militia, to be called on for tours of duty, in defence of the harbours where they shall happen to be; the ordinary militia of the place furnishing that portion which may consist of landsmen.

Magazines. The moment our peace was threatened, I deemed it indispensable to secure ample provision of every article of military stores, of which our magazines were not sufficiently provided furnished. To have awaited a previous & special sanction by law, would have lost occasions which might never be retrieved. I did not hesitate therefore to authorize engagements for such supplements to our existing stock, as would render it adequate to the emergencies threatening us. These contracts are considerable, and depend for their execution, on provisions to be made by yourselves the legislature, who feeling the same anxiety for the safety of our country, so materially ensured by this precaution, will, I trust, approve, when done, what, if then assembled, you they would have seen so important to be done, if then assembled. Accounts of these contracts shall be laid before you.

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Army. Whether a regular army is to be raised, & to what extent, must depend on the information so shortly expected. In the meantime I have called on the states for quotas Of militia to be in readiness for present defence; & have moreover encouraged the acceptance of Volunteers, & am happy to inform you that these have offered themselves with great alacrity in every part of the Union. and in greater numbers than t hey were required.

They are ordered to be organized, and ready at a moment's warning to proceed on any service to which they may be called; and every preparation within the Executive powers has been made to ensure us the benefit of early exertions.

I informed Congress, at their last session, of the enterprises against the public peace which were believed to be in preparation by Aaron Burr & his associates, of the measures taken to defeat them, & to bring the offenders to justice. Their enterprises were happily defeated, by the patriotic exertions of the militia, wherever called into action, & by the fidelity of the army, and energy of the Commander in chief of the army of the US. in promptly arranging the difficulties presenting themselves on the Sabine, repairing to meet those arising on the Mississippi, & dissipating before their explosion, plots engendering there. And truth & duty alone extort the observation that wherever the laws were appealed to in aid of the public safety, their operations were was on behalf of those only against whom they were invoked. As a part of the public you have learned the arraignment of the principal offenders in the District court of Virginia. I have thought it my duty to lay before you the proceedings & the evidence publicly exhibited there together with some which was not publicly heard. This You will be enabled you to judge whether the defect was in the testimony, or in the laws, or whether is not a radical defect in the administration of the law? And wherever it shall be found the legislature alone can apply or originate the remedy. The framers of our constitution certainly supposed they had guarded, as well their government against destruction by treason, as their citizens against oppression under pretence of it: and if the pliability of the law as construed in the case of Frics, and

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it's wonderful refractoriness as construed in that of Burr, show that neither and has been attained, and induce an awful doubt whether we all live under the same law. The right of the jury too to decide law as well as fact seems nugatory without the evidence pertinent to their sense of the law. If these ends are not attained it becomes worthy of enquiry by what means more effectual they may be secured?

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Finance. The receipts of the Treasury, during the year ending the day of have exceeded the sum of millions of Dollars: which with millions in the treasury at the beginning of the year, have enabled us after meeting the current demands to pay millions of the principal of our public debt & millions of interest. These paiments with those of the preceding 5 ½ years have extinguished of the funded debt millions of D. being the whole which can could be paid or purchased within the limits of the law & of our contracts, and have left us in the treasury millions of Dollars. This sum may be considered as a commencement of accumulatr of the surpluses of revenue, which after paying the instalments of debt as they shall become payable will remain without any specific object. A part indeed may be advantageously applied towards providing defence for the exposed points of our country, on such a scale as shall be adapted to our principles & circumstances. This object is doubtless among the first which claims entitled to attention in such a state of our finances, & it is one which whether we have peace or war, will give a state of security always where it is due. Whether what will remain of this with the future surplusses, may be usefully applied to purposes already authorized, or more usefully to others requiring new authorities, or how otherwise they shall be disposed of, are questions calling for early the notice from Congress, unless indeed they shall be superceded by a change in the our state of things public relations, now depending on awaiting the decision determination of others. Whatever be that determination it is a great consoln that it will be read become known at a moment when the supreme council of the nation is assembled at it's post, and ready to give the aids of it's wisdom & authority to whatever course the good of our country shall then call us to pursue.

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Finance. The accounts of the receipts of revenue during the present year being not yet all made up received, a correct statement will be hereafter transmitted from the Treasury. In the meantime it is ascertained that the receipts have Dollars; which with millions in the treasury at the beginning of the year have enabled us, after meeting the current demands and interest incurred, to pay millions of the principal of our funded debt. These payments, with those of the preceding five & a half years have extinguished of the funded debt, millions of dollars, being the whole which could be paid or purchased within the limits of the law, and of our contract, and have left us in the treasury millions of Dollars. A portion of this sum may be considered as a commencement of accumulation of the surpluses of revenue, which, after paying the instalments of debt, as they shall become payable, will remain without specific object. A part indeed may be advantageously applied towards providing defence for the exposed points of our country, on such a scale as shall be adapted to our principles & circumstances. This object is doubtless among the first entitled to attention, in such a state of our finances, and it is one which, whether we have peace or war, will give security where it is due. Whether what shall remain of this, with the future surpluses, may be usefully applied to purposes already authorized, or more usefully to others requiring new authorities, or how otherwise they shall be disposed of, are questions calling for the notice of Congress; unless indeed they shall be superceded by a change in in our public relations, now awaiting the determination of others. Whatever be that determination it is a great consolation that it will become known at a moment when the supreme council of the nation is assembled at it's post, and ready to give the aids of it's wisdom & authority to whatever course the good of our country shall then call us to pursue.

Some matters of minor importance will be the subjects of future communications, & nothing shall be wanting on my part which may give informn or dispatch to the proceedings of the legislature, in the exercise of their high duties and at a moment so interesting to the public welfare.

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